

California Fair Political Practices Commission

June 24, 1988

Peter M. Thorson City Attorney City of Downey Burke, Williams & Sorenson c/o One Wilshire Bldg. 624 South Grand Avenue, 11th Floor Los Angeles, CA 90017

> Re: Your Request for Assistance Our File No. I-88-177

Dear Mr. Thorson:

You have written requesting general guidance regarding potential disqualification issues involving Downey Councilmember James Santangelo. Your question is raised in light of the court's ruling in Downey Cares v. Downey Community Development Commission (1987) 196 Cal.App.3d 983, a case in which both Councilmember Santangelo and the Commission were involved.

Because your question involves no specific decision, we treat your request as one for informal assistance. If, at a later date, your client desires formal written assistance from the Commission, please send us a more detailed request and we will be pleased to respond.

QUESTION

Councilmember Santangelo owns parcels of real property and has a real estate business located within the Downey Redevelopment Project Area. What issues need to be analyzed in order to determine whether Councilmember Santangelo is permitted to participate in redevelopment agency decisions regarding development of an automobile dealership within the project area?

^{1/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

Peter M. Thorson June 24, 1988 Page -2-

CONCLUSION

At present, the issues to be determined are: (1) whether the fair market value of Mr. Santangelo's real property will be affected by at least \$1,000 or one-half percent, whichever is applicable; (2) whether his real estate business will be affected by \$10,000 or more in annual gross revenues; and (3) whether any of his clients who are sources of income will be significantly affected.

In the future, the issues may change after the Commission considers pending regulations defining "material financial effect" within various contexts. These regulations will be considered by the Commission at its July 26, 1988, meeting. Your views are solicited.

ANALYSIS

The Political Reform Act (the "Act") 2/ requires that public officials disqualify themselves when a governmental decision will have a reasonably foreseeable material financial effect on one or more of their economic interests. (Sections 87100 and 87103.)

Councilmember Santangelo has three types of economic interests which could be affected by a redevelopment decision: (1) His real property interests; (2) his real estate business; and (3) clients of the real estate business and tenants who are sources of income to him during the 12 preceding months. (Section 87103.)

Under the Commission's current regulations (copies enclosed), the applicable standards for determining materiality as to Councilmember Santangelo's economic interests are:

(1) <u>His real property interests</u>: The issue is whether the decision will result in an increase or decrease in the current fair market value of his real property by at least \$10,000 or by 1/2 percent or more, so long as the increase or decrease is at least \$1,000. (Regulation 18702(b)(1).)

^{2/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Peter M. Thorson June 24, 1988 Page -3-

- (2) <u>His real estate business</u>: The issue is whether the decision will result in an increase or decrease in his business' annualized gross revenues of \$10,000 or more. (Regulation 18702.2(g).)
- estate business, sources of gross commission income of \$250 or more pro rata to him during the preceding 12 months are sources of income to him. (Section 82030(a).) If such a client is a business entity, the applicable standard in Regulation 18702.2 for that type of business entity should be applied; however, if such a client is not a business entity, then the issue is whether the decision's effect on the client will be significant. (Regulation 18702(a).) In addition, tenants who rent his properties will also be sources of income and the same analysis would apply to them.

The Commission has just recently noticed for consideration a series of regulations which would refine the concept of "material financial effect" as that term is used in Government Code Section 87103. Your request focuses on analysis of this aspect of the conflict of interest provisions of the Act. I enclose for your review and comment a copy of the noticed regulations.

If adopted as noticed, proposed Regulation 18702.3 would apply to Mr. Santangelo's real property interests in this situation. His present situation differs from the circumstances in the <u>Downey Cares</u> litigation. That situation would have been covered by proposed Regulation 18702.1. The current redevelopment decision involves a specific project within the redevelopment area as opposed to the expansion of the area by way of an amendment to the redevelopment plan. Effects on Councilmembers Santangelo's real estate business would continue to be covered by Section 18702.2(g). His sources of income would be covered by applicable regulations. (See proposed Regulation 18702, which provides a "road map" to the applicable regulations.)

I trust that this letter is responsive to your request for assistance in this regard. If you have any questions regarding this letter, I may be reached at (916) 322-5901.

Sincerely,

Diane M. Griffiths General Counsel

By: Robert E. Leidigh Counsel, Legal Division

DMG:REL:ld Enclosures LAW OFFICES

BURKE, WILLIAMS & SORENSEN

ONE WILSHIRE BUILDING

624 SOUTH GRAND AVENUE, 11TH FLOOR LOS ANGELES, CALIFORNIA 90017

(213) 623-1900

TELECOPIER: (213) 623-8297

HARRY C. WILLIAMS

ROYAL M. SORENSEN

VENTURA COUNTY OFFICE 950-COUNTY SPUARE) DRIVE SUITE 20 U VENTURA, CALIFORNIA 93003 (805) 644-7480

ORANGE COUNTY OFFICE 3200 PARK CENTER DRIVE SUITE 650 COSTA MESA, CALIFORNIA 92626 (714) 545-5559

LIGHTON PLAZA
7300 COLLEGE BOULEVARD
SUITE 220
OVERLAND PARK, KANSAS 68210
(913) 339-6200

OF COUNSEL DWIGHT A. NEWELL

SCOTT F. FIELD

*PROFESSIONAL CORPORATION
†A PROFESSIONAL ASSOCIATION
ADMITTED KANSAS & MISSOURI

MARK C. ALLEN, JR.

J. ROBERT FLANDRICK

MARTIN L. BURKE

CARL K. NEWTON*

NORMAN E. GAART

EDWARD M. FOY

DENNIS R BURKE

LELAND C. DOLLEY

THOMAS J. FEELEY

PETER M. THORSON

JERRY M. PATTERSON

HAROLD A. BRIDGES* CHERYL J. KANE*

RAYMOND J. FUENTES"

DON G. KIRCHER

VIRGINIA R. PESOLA

S. PAUL BRUGUERA

MICHELE R. VADON

ADMITTED KANSAS

B. DEREK STRAATSMA

CHARLES M. CALDERON®

COLIN LENNARD

NEIL F. YEAGER®

BRIAN A. PIERIK

MARTIN J. BURKE") MICHAEL LONG

JAMES T. BRADSHAW, JR." ELIZABETH L. HANNA

KATHRYN PRUESSNER PETERS"

LISA E. KRANITZ

KIM E. MCNALLY

JACK R. LENACK

DENNIS I. FLOYD

LINDA L. DAUBE

CECILIA M. QUICK

FELICIA J. NELSON

ROBERT V WADDEN

MICHAEL R. WOODS

SCOTT H. CAMPBELL

TIMOTHY B. MCOSKER

DIANA L. FIELD

RITA J. TAYLOR

JAMES F. RIGALI

STEVE J. DAWSON

GABRIELLE STODD

CHRISTOPHER J. THOMAS

FRANK H. WHITEHEAD. III

MARYANN LINK GOODKIND

DEENA C. LEIBOWITZ

M. LOIS BOBAK

STEVEN A. DROWN

SLADE J. NEIGHBORS

May 11, 1988

Ms. Kathryn E. Donovan
Staff Attorney
Legal Division
Fair Political Practices Commission
428 J Street, Suite 800

Sacramento, CA 95804-0807

Re: Request for Legal Opinion on Behalf of Downey City
Council Member James Santangelo

Dear Ms. Donovan:

As we discussed in our telephone conversation, I am requesting a staff opinion on behalf of Downey City Councilmember James Santangelo pursuant to Government Code Section 83114 on whether or not he would be disqualified from participating, as both a member of the City Council and the Downey Community Development Commission (Redevelopment Agency) in the consideration of a Disposition and Development Agreement with DCH Development Entity, Inc., for the development of an automobile dealership within the Downey Redevelopment Project Area.

The proposed project entails the acquisition by the Community Development Commission of certain property for the developer and the development on the property of an automobile dealership. Once built, the value of land and improvements for the automobile dealership should be roughly \$3 Million. The project would be located at 7534 Firestone Boulevard within the Downey Redevelopment Project Area and is near two other major automobile dealerships.

Ms. Kathryn E. Donovan May 11, 1988 Page 2

Councilmember Santangelo is a real estate broker within the City of Downey. He advises me that of his listings within the City of Downey approximately 95 percent are residential listings and the remainder, commercial or industrial. Councilmember Santangelo owns property at 9400-9430 Firestone Boulevard within the Downey Redevelopment Project Area which is approximately 2.18 miles from the site of the proposed redevelopment project with DCH Development Entity, Inc. His property at 9400-9430 Firestone is fully developed with a new office building and retail center.

Based upon our conversation I realize that an analysis will need to be made by a qualified person of whether the proposed project would have a material financial effect on real property, business entities, or sources of income in which Councilmember Santangelo has an interest. In light of the decision in Downey Cares v. Downey Community Development Commission (1987), 196 C.A.3d. 983, we are particularly interested in having a staff opinion address the issues that would need to be analyzed by such qualified party and the framework by which such analysis should be structured.

I have enclosed for your review a copy of Councilmember Santangelo's most recent disclosure statement. If you need any further information, please feel free to contact me at any time.

Yours very truly,

PETER M. THORSON

of BURKE, WILLIAMS & SORENSEN

PMT:rs/LTR3467

encl.

Cc: Mayor and Members of the City Council
 Don Davis, City Manager
 James Cutts, Director of Community Development
 Mark Huebsch, Redevelopment Counsel

Date Received by FPPC

FORM 721 →

STATEMENT OF ECONOMIC INTERESTS

KECKIVEL

Date Received by Filling Official MAR 1 0 1988

CITY CLERK CITY OF DOWN!

PLEASE TYPE OR PRINT IN INK	A Public Document	
JAMES S. SANTANGELO		TELEPHONE NUMBER (213 869-7331
MAILING ADDRESS		
9400 FIRESTONE BLVD.	DOWNEY	90241
STREET	čity	ZIP CODE
OFFICE SOUGHT OR HELD (Che	eck One):	RECEIVED
STATE OF CALIFORNIA OFFICE:	•	MAR 1 0 1988
Judicial Branch County:		COURTI CITY CLERIC
	CHECK ONE: JUDGE	ハイン ひに ごのがいだく
COUNTY OFFICE:		COUNTY:
CITY OFFICE: COUNCILMAN		CITY:DOWNEY
TYPE OF STATEMENT (Check th	ne Appropriate Box(es)): 📜	SCHEDULES TO BE COMPLETED
CANDIDATE STATEMENT		
File no later than the final filing da	ate for your declaration of candidacy,	Complete Schedules A, B and C disclosing interests held on the date of filing.
ASSUMING OFFICE STATEMENT (For Newly-Elected and Newly-Ap	pointed Officials ONLY)*	·
☐ ELECTED OFFICIAL (Other than in December or January). File w Date Assumed Office	elected state officers assuming office within 30 days of assuming office.	Complete Schedules A, 8 and C disclosing interests held on the date of assuming office.
days after assuming office.	idicial Appointments. File within 10	Complete Schedules A, B and C disclosing Interests held on the date of assuming office.
Date Assumed Office	day pr.	
	to confirmation by the State Senate or pointments. File within 10 days after	Complete Schedules A, B and C disclosing interests held on the date of appointment nomination,
Date Appointed	<u>уг.</u>	
X ANNUAL STATEMENT	•	
State officials and all judges and January 1 and March 1. City and January 1 and April 1.	d court commissioners file between d county officials file between	Complete all Schedules disclosing interests held or received at any time during the period covered by the statement.
	reportable interests held or received 1, 1987 through December 31, 1987.	
LEAVING OFFICE STATEMENT		4
File within 30 days after leaving January 1, 19, to the date of	g office. The period covered is of leaving office which was:	Complete all schadules disclosing interests held or received during any time during the period covered by the statement.

[&]quot;INCUMBENT OFFICEHOLDERS WHO ARE RE-ELECTED OR RE-APPOINTED WITHOUT A BREAK IN SERVICE SHOULD NOT COMPLETE AN ASSUM OFFICE STATEMENT.

NAME_	JAMES 5.	SANTANGELO	
-------	----------	------------	--

The Following Summary Must Be Completed By All Filers



DO NOT COMPLETE THIS SUMMARY PAGE UNTIL YOU HAVE CAREFULLY REVIEWED ALL SCHEDULES AND THE INSTRUCTIONS FOR EACH SCHEDULE.

	SCHEDULE COMPLETED AND ATTACHED	NO REPORTABLE
Schedule A INVESTMENTS (Other Than Those Held by a Business Entity or Trust)	x	
Schedule B INTERESTS IN REAL PROPERTY (Other Than Those Held by a Business Entity or Trust)	- x	
Schedule C INTERESTS IN REAL PROPERTY AND INVESTMENTS HELD BY BUSINESS ENTITIES OR TRUSTS		x
Schedule D INCOME (Other Than Loans, Gifts and Honoraria)	x	
Schedule E LOANS (Received or Outstanding During the Period Covered)	x	
Schedule F GIFTS		
Schedule G HONORARIA		x
Schedule H COMMISSION INCOME, INCOME AND LOANS TO BUSINESS ENTITIES AND INCOME FROM RENTAL PRO	PERTY X	
NOTE: AFTER THE SUMMARY PAGE HAS BEEN COMPLETED, PLEASE DISCAR. YOU HAVE NO REPORPABLE INTERESTS.	D THOSE SCHEDULES	ON WHICH:
VERIFICATION		
I have used all reasonable diligence in preparing this Statement. I have reviewed my knowledge the information contained herein and in the attached schedules i		o the best of
rcertify under penalty of perjury under the laws of the State of California that th	e foregoing is true an	d correct.
SIGNATURE 3-10 ,19 88 , at	DOWNEY . CA (place)	
- Comment of the state of the s		

NAME	JAMES S. SANTANGELO

Schedule A -- Investments (Other Than Those Held By a Business Entity or Trust) (SEE INSTRUCTIONS ON PRECEDING PAGE)

NAME OF BUSINESS ENTITY		VALUE
CENTURY 21 SANTANGELO REALTY NATURE OF INVESTMENT, E.G. COMMON STOCK, PARTHERSHIP INTEREST PARTNER GENERAL DESCRIPTION OF BUSINESS ACTIVITY REAL ESTATE SALES	if Acquired Or Disposed During The Reporting Period You Must indicate: Date Acquired: Date Disposed:	\$1,000-\$10,000 \$10,001-\$100,000 X Over\$100,000
NAME OF BUSINESS ENTITY		
NATURE OF INVESTMENT, E.G., COMMON STOCK, PARTHERSHIP INTEREST	If Acquired Or Dispased During The Reporting Period You Must indicate: Date Acquired: Date Disposed:	VALUE \$1,000-\$10,000 \$10,001-\$100,000 Over \$100,000 Ownership interest Less than 19% 10% or greater*
NAME OF BUSINESS ENTITY		VALUE
NATURE OF INVESTMENT, E.G., COMMON STOCK, PARTHERSHIP INTEREST GENERAL DESCRIPTION OF BUSINESS ACTIVITY	If Acquired Or Disposed During The Reporting Period You Must Indicate: Date Acquired: Date Disposed:	\$1,000-\$10,000 \$10,001-\$100,000 Over \$100,000 Ownership interest Less then 10% 10% or greater®
NAME OF BUSINESS ENTITY		VALUE
NATURE OF INVESTMENT, E.G., COMMON STOCK, PARTNERSHIP INTEREST GENERAL DESCRIPTION OF BUSINESS ACTIVITY	if Acquired Or Disposed During The Reporting Period You Must indicate: Date Acquired: Date Disposed:	S1,000-\$10,000 S10,001-\$100,000 Over \$100,000 Ownership interest Less then 10% 10% or greater®
NAME OF EUSINESS ENTITY		VALUE
GENERAL DESCRIPTION OF BUSINESS ACTIVITY	If Acquired Or Disposed During The Reporting Feriod You Must indicate:	\$1,000-\$10,000 \$10,001-\$100,000 Over \$100,000
APHENNE RESCUILTING OL BOSIGESS WELLALLS	Date Disposed:	Less than 10% 10% or greater®

NOTE: IF YOU ARE COMPLETING AN ANNUAL OR LEAVING OFFICE STATEMENT, YOU MUST REPORT ON SCHEDULE D'ANY SALARY, COMMISSION, DISTRIBUTION OR OTHER INCOME (\$250 OR MORE) FROM INVESTMENTS LISTED ON SCHEDULE A RECEIVED BY YOU OR YOUR SPOUSE,

^{*} If you have checked this box, you must report any interests in real property and investments held by the business entity on Schedule C. In addition, if you are completing an Annual or Leaving Office Statement, if your pro rata share of the gross income from any one source was \$10,000 or more, you must report the name of that source on Schedule H-2.

NAME	JAMES S	S. SANTANGELO
------	---------	---------------

Schedule B -- Interests in Real Property (Other Than Those Held By A Business Entity or Trust)

(SEE INSTRUCTION	NS ON PRECEDING PAGE)	
9400- 9430 FIRESTONE BLVD. NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED O	DOWNEY PF TRUST	PAIR S1.000-\$10,000 MARKET S10,001-\$100,000 VALUE Over \$100,000
If Acquired Or Disposed During The Date Acquired:	If Rental Property, Ownership Interest Is	Less than 10% 10% or greater*
STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 11240- 42 WOODRUFF AVE. NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED O	DOWNEY F TRUST	FAIR S1.000-\$16,000 MARKET S10,001-\$100,000 VALUE S Over \$100,000
If Acquired Or Disposed During The Date Acquired:	If Rental Property, Ownership Interest Is	Less than 10% 10% or greater*
STREET ADDRESS OR PRECISELOCATION OF PROPERTY 8420 LEXINGTON RD, NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED O OWNER	DOWNEY F TRUST	FAIR \$1,000-\$10,000 MARKET \$10,001-\$100,000 VALUE X Over \$100,000
If Acquired Or Disposed During The Date Acquired:	If Rental Property, Ownership Interest is	Less than 10% 10% or greater*
STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 8431 LEXINGTON RD. NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED OF PART OWNER	DOWNEY F TRUST	FAIR S1,008-\$10,000 MARKET S10,001-\$100,000 VALUE X Over \$100,900
If Acquired Or Disposed During The Date Acquired: 6-12-87 Reporting Period You Must Indicate: Date Disposed:	If Rental Property, Ownership Interest is	Less than 10% X 10% or greater*
STREET ADDRESS OR PRECISE LOCATION OF PROPERTY NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED O	CITY F TRUST	FAIR 51,000-\$16,000 MARKET 510,001-\$100,000 VALUE Over \$100,800
If Acquired Or Disposed During The Date Acquired:	if Rental Property, Ownership Interest is	Less than 10% 10% or greater*
NOTE: IF YOU ARE COMPLETING AN ANNUAL OR LEAVING OFF OR MORE) FROM REAL PROPERTY LISTED ON SCHEDULE If you are completing an annual or leaving office states	E RECEIVED BY YOU OR YOUR SPO	USE.

If additional space is needed check box and attach an additional Schedule 8.

NAME	JAMES	S.	SANTANGELO	

Schedule D -- Income (Other Than Loans, Gifts and Honoraria) (SEE INSTRUCTIONS ON PRECEDING PAGE)

IDENTIFY EACH SOURCE OF INCOME:	GROSS INCOME RECEIVED:
NAME	
CENTURY 21 SANTANGELO REALTY	\$250 - \$1,000
ADDRESS	
9400 FIRESTONE BLVD. DOWNEY, CA	
BUSINESS ACTIVITY, IF ANY	\$1,001 - \$10,000
REAL ESTATE SALES AND RENT	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	X Over \$10,000
PARTNER	
NAME	
UNITED STATES POST OFFICE	4350 43 600
ADDRESS	\$250 - \$1,000
9430 FIRESTONE BLVD. DOWNEY, CA	
BUSINESS ACTIVITY, IF ANY	\$1,001 - \$10,000
* POST OFFICE	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	<u>X</u> Over \$10,000
RENTS	•
NAME	
HANGGIE CHIROPRATIC	<u></u>
ADDRESS	\$250 - \$1,000
9414 FIRESTONE BLVD. DOWNEY, CA	
BUSINESS ACTIVITY, IF ANY	\$1,001 - \$10,000
CHIROPRACTOR	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	X Over \$10,000
RENTS	
NAME	
WILLIAM ROGOWAY	
ADDRESS	\$250 - \$1,000
9418 FIRESTONE BLVD. DOWNEY, CA	—
BUSINESS ACTIVITY, IF ANY	\$1,001 - \$10,000
OPTOMOTRIST	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	X Over \$10,000
DENTS	

[[]X] If additional space is needed check box and attach an additional Schedule D.

NAME	JAMES	5.	SANTANGE	.O

Schedule E -- Loans

(Received or Outstanding During the Period Covered)

(SEE INSTRUCTIONS ON PRECEDING PAGE)

IDENTIFY EACH LENDER:		AMOUNT OF HIGHEST BALANCE:
NAME		
LORRAINE OVERTON		S250 - \$1,000
ADDRESS		\$1,001 - \$10,000
9355 DINSDALE DOWNEY		
BUSINESS ACTIVITY	REPAID X NO	X Over \$10,000
NONE SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Pro	LA NO	INTEREST RATE
11240 WOODRUFF AVE. PROPERTY	MONE	12 NONE
NAME		_
ROBIN THIBAULT		S250 - \$1,000
ADDRESS		\$1,001-\$10,000
8219 BRUNACHE DOWNEY	·	
BUSINESS ACTIVITY	ENTIRE LOAN YES	X Over \$10,000
NONE .	REPAID X NO	
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Prov	ride Address) NONE	INTEREST RATE NONE
11240 WOODRUFF AVE. DOWNEY		12
NAME		
KEN IMAIZUMI		\$250 - \$1,000
ADDRESS		\$1,001-\$10,000
8438 BOYNE DOWNEY .		
BUSINESS ACTIVITY	ENTIRE LOAN YES	X Over \$10,000
NONE	REPAID X NO	
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Prov 9400 FIRESTONE BLVD. DOWNEY	ide Address) NONE	10 NONE
NAME		\$250 - \$1,000
ADDRESS	4	
		\$1,001 - \$10,000
BUSINESS ACTIVITY	ENTIRE LOAN YES	Over \$10,000
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Bro		INTEREST RATE
	NONE	HOME
NAME		\$250 - \$1,000
ADDRESS		1 =
ADDRESS		\$1,001 - \$10,000
RUSINESS ACTIVITY	ENTIRE LOAN YES	Over \$10,000
	REPAID NO	
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Prov		INTERESTRATE NONE

If additional space is needed check box and attach an additional Schedule E.

NAME	JAMES	S.	SANTAGELO	

Schedule H

(SEE INSTRUCTIONS ON PRECEDING PAGE)

Schedule H-1

	ly Brokers, Agents and Salespersons 💎 🕙
NAME OF BUSINESS ENTITY	
CENTURY 21 SANTANGELO REALTY	
NAMES OF SOURCES OF INCOME	
ME	
	·
Sch	edule H-2
	ns to Business Entities
NAME OF BUSINESS ENTITY	ADDRESS OF BUSINESS ENTITY
CENTURY 21 SANTANGELO REALTY	9400 FIRESTONE BLVD. DOWNEY
ACTIVITY OF BUSINESS ENTITY	
REAL ESTATE SALES AMES OF SOURCES OF INCOME AND LOANS TO THE BUSINESS ENTITY	,
i	
	hedule H-3 om Rental Property
	rent payments, provided that your pro rata share of such recei
ou must disclose the name(s) of any renter(s) who made	• •
ou must disclose the name(s) of any renter(s) who made as \$10,000 or more.	rent payments, provided that your pro rate share of such received
ou must disclose the name(s) of any renter(s) who made as \$10,000 or more. ODRESS OF RENTAL PROPERTY 400- 9430 FIRESTONE BLVD. AMES OF RENTERS	rent payments, provided that your pro rata share of such rece
ou must disclose the name(s) of any renter(s) who made as \$10,000 or more. PDRESS OF RENTAL PROPERTY 400- 9430 FIRESTONE BLVD.	rent payments, provided that your pro rata share of such rece
ou must disclose the name(s) of any renter(s) who made as \$10,000 or more. ODRESS OF RENTAL PROPERTY 400- 9430 FIRESTONE BLVD. AMES OF RENTERS	rent payments, provided that your pro rata share of such rece
ou must disclose the name(s) of any renter(s) who made as \$10,000 or more. PORESS OF RENTAL PROPERTY 400- 9430 FIRESTONE BLVD. AMES OF RENTERS R. ANTHONY HANGGIE	rent payments, provided that your pro rata share of such rece
ou must disclose the name(s) of any renter(s) who made as \$10,000 or more. PORESS OF RENTAL PROPERTY 400- 9430 FIRESTONE BLVD. AMES OF RENTERS R. ANTHONY HANGGIE R. WILLIAM ROGOWAY	rent payments, provided that your pro rata share of such rece

If additional space is needed check the box and attach an additional Schedule H.

May 13, 1988

Peter M. Thorson Burke, Williams & Sorensen 624 South Grand Avenue 11th Floor Los Angeles, CA 90017

Re: 88-177

Dear Mr. Thorson:

Your letter requesting advice under the Political Reform Act was received on May 12, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Robert Leidigh, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths General Counsel

Diam In D. 4. (4.

DMG:plh

cc: James Santangelo

LAW OFFICES

BURKE, WILLIAMS & SORENSEN

ONE WILSHIRE BUILDING

624 SOUTH GRAND AVENUE, 11TH FLOOR LOS ANGELES, CALIFORNIA 90017

(213) 623-1900

TELECOPIER: (213) 623-8297

HARRY C. WILLIAMS

(1914-1983)

(1912-1967) ROYAL M. SORENSEN VENTURA COUNTY OFFICE SOURCE DRIVE SOURCE SO VENTURA, CALIFORNIA 93003 (805) 644-7480

> ORANGE COUNTY OFFICE 3200 PARK CENTER DRIVE SUITE 650 COSTA MESA, CALIFORNIA 92626 (714) 545-5559

LIGHTON PLAZA 7300 COLLEGE BOULEVARD SUITE 220 OVERLAND PARK, KANSAS 66210 (913) 339-6200

> OF COUNSEL DWIGHT A, NEWELL

B. DEREK STRAATSMA SCOTT F. FIELD PROFESSIONAL CORPORATION TA PROFESSIONAL ASSOCIATION ADMITTED KANSAS & MISSOURI

MARTIN J. BURKE

MARK C. ALLEN, JR.*

MARTIN L. BURKE*

CARL K. NEWTON*

NORMAN E. GAART EDWARD M. FOX*

DENNIS R BURKE*

COLIN LENNARD*

NEIL F. YEAGER*

BRIAN A. PIERIK*

PETER M. THORSON*

JERRY M. PATTERSON

HAROLD A. BRIDGES*

RAYMOND J. FUENTES*

CHERYL J. KANE*

DON G. KIRCHER

VIRGINIA R. PESOLA

S. PAUL BRUGUERA

MICHELE R. VADON

ADMITTED KANSAS

LELAND C. DOLLEY*

THOMAS J. FEELEY*

CHARLES M. CALDERON*

J. ROBERT FLANDRICK*

MARTIN J. BURKE MICHAEL J. LONG GEORGE W. TACKABURY GREGORY A. DOCIMO JAMES T. BRADSHAW, JR. ELIZABETH L. HANNA

KATHRYN PRUESSNER PETERS°

LISA E. KRANITZ

KIM E. McNALLY STEVEN A. DROWN

JACK R. LENACK

DENNIS I. FLOYD

LINDA L. DAUBE

CECILIA M. QUICK

FELICIA J. NELSON ROBERT V. WADDEN

MICHAEL R. WOODS

SCOTT H. CAMPBELL

TIMOTHY B. McOSKER

DIANA L. FIELD

RITA J. TAYLOR

STEVE J. DAWSON

JAMES E RIGALI

GABRIELLE STODD

DEENA C. LEIBOWITZ

CHRISTOPHER J. THOMAS

FRANK H. WHITEHEAD, III

MARYANN LINK GOODKIND

M. LOIS BOBAK

SLADE J. NEIGHBORS

May 11, 1988

Ms. Kathryn E. Donovan Staff Attorney Legal Division Fair Political Practices Commission 428 J Street, Suite 800 Sacramento, CA 95804-0807

> Request for Legal Opinion on Behalf of Downey City Council Member James Santangelo

Dear Ms. Donovan:

As we discussed in our telephone conversation, I am requesting a staff opinion on behalf of Downey City Councilmember James Santangelo pursuant to Government Code Section 83114 on whether or not he would be disqualified from participating, as both a member of the City Council and the Downey Community Development Commission (Redevelopment Agency) in the consideration of a Disposition and Development Agreement with DCH Development Entity, Inc., for the development of an automobile dealership within the Downey Redevelopment Project Area.

The proposed project entails the acquisition by the Community Development Commission of certain property for the developer and the development on the property of an automobile dealership. Once built, the value of land and improvements for the automobile dealership should be roughly \$3 Million. The project would be located at 7534 Firestone Boulevard within the Downey Redevelopment Project Area and is near two other major automobile dealerships.

Ms. Kathryn E. Donovan May 11, 1988 Page 2

Councilmember Santangelo is a real estate broker within the City of Downey. He advises me that of his listings within the City of Downey approximately 95 percent are residential listings and the remainder, commercial or industrial. Councilmember Santangelo owns property at 9400-9430 Firestone Boulevard within the Downey Redevelopment Project Area which is approximately 2.18 miles from the site of the proposed redevelopment project with DCH Development Entity, Inc. His property at 9400-9430 Firestone is fully developed with a new office building and retail center.

Based upon our conversation I realize that an analysis will need to be made by a qualified person of whether the proposed project would have a material financial effect on real property, business entities, or sources of income in which Councilmember Santangelo has an interest. In light of the decision in Downey Cares v. Downey Community Development Commission (1987), 196 C.A.3d. 983, we are particularly interested in having a staff opinion address the issues that would need to be analyzed by such qualified party and the framework by which such analysis should be structured.

I have enclosed for your review a copy of Councilmember Santangelo's most recent disclosure statement. If you need any further information, please feel free to contact me at any time.

Yours very truly,

PETER M. THORSON

of BURKE, WILLIAMS & SORENSEN

PMT:rs/LTR3467

encl.

cc: Mayor and Members of the City Council

Don Davis, City Manager

James Cutts, Director of Community Development

Mark Huebsch, Redevelopment Counsel

Date Received by FPPC

FORM 721

STATEMENT OF ECONOMIC INTERESTS

MAR TO 1988

CITY CLERK

CITY OF DOWN PLEASE TYPE OR PRINT IN INK A Public Document TELEPHONE NUMBER NAME 213 869-7331 JAMES S. SANTANGELO MAILING ADDRESS 9400 FIRESTONE BLVD DOWNEY 90241 STREET RECEIVED OFFICE SOUGHT OR HELD (Check One): STATE OF CALIFORNIA OFFICE: COURT JUDICIAL BRANCH COUNTY: _ ☐ JUDGE CHECK ONE: COUNTY OFFICE: ___ COUNTY: . CITY: DOWNEY CITY OFFICE: COUNCILMAN SCHEDULES TO BE COMPLETED TYPE OF STATEMENT (Check the Appropriate Box(es)): X CANDIDATE STATEMENT Complete Schedules A, B and C disclosing interests held on the date of filing. File no later than the final filing date for your declaration of candidacy. **ASSUMING OFFICE STATEMENT** (For Newly-Elected and Newly-Appointed Officials ONLY)* interests held on the date of assuming office. Complete Schedules A, B and C disclosing ☐ ELECTED OFFICIAL (Other than elected state officers assuming office in December or January). File within 30 days of assuming office. Date Assumed Office _ Complete Schedules A, B and C disclosing interests held on the date of assuming office. ☐ APPOINTED OFFICIAL Not subject to confirmation by the State Senate or the Commission on Judicial Appointments. File within 10 days after assuming office. Date Assumed Office ____ Complete Schedules A, B and C disclosing interests held on the date of appointment APPOINTED OFFICIAL Subject to confirmation by the State Senate or the Commission on Judicial Appointments. File within 10 days after nomination. appointment or nomination. Date Appointed ... X ANNUAL STATEMENT Complete all Schedules disclosing interest held or received at any time during the period covered by the statement. State officials and all Judges and court commissioners file between January 1 and March 1. City and county officials file between January 1 and April 1. PERIOD COVERED: Disclose all reportable interests held or received during the period from January 1, 1987 through December 31, 1987. LEAVING OFFICE STATEMENT Complete all schedules disclosing interest held or received during any time during tiperiod covered by the statement. File within 30 days after leaving office. The period covered is January 1, 19 , to the date of leaving office which was:

[&]quot;INCUMBENT OFFICEHOLDERS WHO ARE RE-ELECTED OR RE-APPOINTED WITHOUT A BREAK IN SERVICE SHOULD NOT COMPLETE AN ASSUM OFFICE STATEMENT.

NAME	JAMES	5.	SANTANGEL	.0
------	-------	----	-----------	----

The Following Summary Must Be Completed By All Filers

STOP

DO NOT COMPLETE THIS SUMMARY PAGE UNTIL YOU HAVE CAREFULLY REVIEWED ALL SCHEDULES AND THE INSTRUCTIONS FOR EACH SCHEDULE.

	SCHEDULE COMPLETED AND ATTACHED	NO REPORTABLE INTERESTS
Schedule A INVESTMENTS (Other Than Those Held by a Business Entity or Trust)	x	
Schedule B INTERESTS IN REAL PROPERTY (Other Than Those Held by a Business Entity or Trust)	x	
Schedule C INTERESTS IN REAL PROPERTY AND INVESTMENTS HELD BY BUSINESS ENTITIES OR TRUSTS		x
Schedule D INCOME (Other Than Loans, Gifts and Honoraria)	x	
Schedule E LOANS (Received or Outstanding During the Period Covered)	x	
Schedule F GIFTS		x
Schedule G HONORARIA		x
Schedule H COMMISSION INCOME, INCOME AND LOANS TO BUSINESS ENTITIES AND INCOME FROM RENTAL PRO	PERTY X	
NOTE: AFTER THE SUMMARY PAGE HAS BEEN COMPLETED, PLEASE DISCARD YOU HAVE NO REPORPABLE INTERESTS.	THOSE SCHEDULES	ON WHICH:
VERIFICATION I have used all reasonable diligence in preparing this Statement. I have reviewed	i the Statement and 1	to the best of
my knowledge the information contained herein and in the attached schedules is recrtify under penalty of perjury under the laws of the State of California that the	true and complete.	
SIGNATURE 3-10 ,19 88 , at	DOWNEY . CA (place)	

,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

Schedule A -- Investments (Other Than Those Held By a Business Entity or Trust) (SEE INSTRUCTIONS ON PRECEDING PAGE)

If Acquired Or Disposed During The Reporting Period You Must Indicate:	VALUE \$1,000-\$10,000 \$10,001-\$100,000 X Over\$100,000
Date Acquired: Date Disposed:	Ownership Interest Less than 19% X 10% or greeter*
	VALUE \$1,000-\$10,000 \$10,001-\$100,000
if Acquired Or Disposed During The Reporting Period You Must Indicate:	Over\$100,000 Ownership Interest
Date Acquired:	Less than 10% 10% or greater*
	VALUE \$1,000-\$10,000 \$10,001-\$100,000
If Acquired Or Disposed During The Reporting Period You Must Indicate:	Over \$100,000 Ownership Interest
Date Acquired:	Less than 10% 10% or greater®
	VALUE \$1,000-\$10,000 \$10,001-\$100,000
If Acquired Or Disposed During The Reporting Period You Must Indicate:	Over \$100,000
Date Acquired: Date Disposed:	Less than 10% 10% or greater*
*	VALUE \$1,000-\$10,000 \$10,001-\$100,000
if Acquired Or Disposed During The Reporting Period You Must Indicate:	Over \$100,000 Ownership Interest
Date Acquired:	Less than 10% 10% or greater*
	Reporting Period You Must Indicate: Date Acquired: Date Disposed: If Acquired Or Disposed During The Reporting Period You Must Indicate: Date Acquired: Date Disposed: If Acquired Or Disposed During The Reporting Period You Must indicate: Date Acquired: Date Disposed: If Acquired Or Disposed During The Reporting Period You Must indicate: Date Acquired: Date Disposed: If Acquired Or Disposed During The Reporting Period You Must indicate: Date Acquired: Date Disposed:

* If you have checked this box, you must report any interests in real property and investments held by the business entity on Schedule C. In addition, if you are completing an Annual or Leaving Office Statement, if your pro rate share of the gross income from any one source was \$10,000 or more, you must report the name of that source on Schedule H-2.

ſ	If additional	space is need	led check box	and attach	an additional	Schadula A.
L	 II edulublia	Share is lies?	IEM CHÁCY MÓ!	t anna actach i	att anditinities	うさいえかわけ シャ

NAME	JAMES S	. SANTANGELO
------	---------	--------------

Schedule B -- Interests in Real Property (Other Than Those Held By A Business Entity or Trust)

(SEE INSTRUCTION	NS ON PRECEDING PAGE)	
9400- 9430 FIRESTONE BLVD. NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED O	DOWNEY	FAIR \$1,000-\$10,000 MARKET \$10,001-\$100,000 VALUE \$ Over \$100,000
OWNER If Acquired Or Disposed During The Data Acquired:	if Rental Property, Ownership Interest is	Less than 10% 10% or greater*
STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 11240- 42 WOODRUFF AVE. NATURE OF INTEREST, E. G., OPTION, OWNERSHIP, LEASEHOLD, DEED O	DOWNEY	FAIR S1.000-\$16,000 MARKET S10.001-\$100,000 VALUE VOVER \$100,600
If Acquired Or Disposed During The Date Acquired:	If Rental Property, Ownership Interest is	Less then 10% 30% or greater*
STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 8420 LEXINGTON RD. NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED O	DOWNEY TRUST	FAIR \$1,000-\$10,000 MARKET \$10,001-\$100,000 VALUE X Over\$100,000
If Acquired Or Disposed During The Date Acquired:	If Rental Property,	
Reporting Period You Must Indicate: Data Disposed:	Ownership interest is	Less than 10% 10% or greater*
Reporting Period You Must Indicate: Data Disposed: STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 8431 LEXINGTON RD., NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED O	Ownership Interest is CITY DOWNEY	
Reporting Period You Must Indicate: Data Disposed: STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 8431 LEXINGTON RD.	Ownership Interest is CITY DOWNEY OF TRUST	FAIR S1,000-\$10,000 MARKET S10,001-\$100,000
Reporting Period You Must Indicate: Data Disposed: STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 8431 LEXINGTON RD., NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED OF PART OWNER If Acquired Or Disposed During The Data Acquired: 6-12-87	Ownership Interest is CITY DOWNEY OF TRUST If Rental Property, Ownership Interest is CITY	FAIR S1,000-\$10,000 MARKET S10,001-\$100,000 VALUE X Over \$100,000
Reporting Period You Must Indicate: Data Disposed: STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 8431 LEXINGTON RD. NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED OF PART OWNER If Acquired Or Disposed During The Reporting Period You Must Indicate: Data Disposed: STREET ADDRESS OR PRECISE LOCATION OF PROPERTY	Ownership Interest is CITY DOWNEY OF TRUST If Rental Property, Ownership Interest is CITY OF TRUST	FAIR S1,000-\$10,000 MARKET S10,001-\$100,000 VALUE X Over\$100,000 Less then 10% X 10% or greater* FAIR S1,000-\$18,000 MARKET S10,001-\$100,000

If additional space is needed check box and attach an additional Schedule B.

114545	
NAME JAMES S. SANTANG	ELO

Schedule D -- Income (Other Than Loans, Gifts and Honoraria) (SEE INSTRUCTIONS ON PRECEDING PAGE)

IDENTIFY EACH SOURCE OF INCOME:	GROSS INCOME RECEIVED:
NAME	
CENTURY 21 SANTANGELO REALTY	\$250 - \$1,000
ADDRESS	
9400 FIRESTONE BLVD. DOWNEY, CA	
BUSINESS ACTIVITY, IF ANY	\$1,001-\$10,000
REAL ESTATE SALES AND RENT	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	X Over \$10,000
PARTNER	· ·
NAME	
UNITED STATES POST OFFICE	\$250 - \$1,000
ADDRESS	4230 - 41,000
9430 FIRESTONE BLVD. DOWNEY, CA	
BUSINESS ACTIVITY, IF ANY	\$1,001 - \$10,000
POST OFFICE	₩ a a a a a a
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	
RENTS	
NAME	
HANGGIE CHIROPRATIC	
ADDRESS	S250 - \$1,000
9414 FIRESTONE BLVD. DOWNEY, CA	
BUSINESS ACTIVITY, IF ANY	\$1,001 - \$10,000
CHIROPRACTOR	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	X Over \$10,000
RENTS	
NAME	
WILLIAM ROGOWAY	\$250-\$1,000
ADDRESS	,
9418 FIRESTONE BLVD. DOWNEY, CA	\$1,001 - \$10,000
BUSINESS ACTIVITY, IF ANY	
OPTOMOTRIST	X Over \$10,000
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	[A] 5447 210,000
RENTS	

X if additional space is needed check box and attach an additional Schedule D.

Schedule E -- Loans

(Received or Outstanding During the Period Covered)

(SEE INSTRUCTIONS ON PRECEDING PAGE)

IDENTIFY EACH LENDER:		,	AMOUNT OF H	IIGHEST BALANCE:
NAME	· · · · · · · · · · · · · · · · · · ·		, A. C.	
LORRAINE OVERTON			s	250 - \$1,000
ADDRESS				1,001 - \$10,000
9355 DINSDALE DOWNEY BUSINESS ACTIVITY	12000		_	
'	ENTIRE LOAN	☐ YES	X	over \$10,000
NONE SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Pr		LA NO	INTEREST RATE	
11240 WOODRUFF AVE. PROPERTY		NONE	12	☐ NONE
NAME				
ROBIN THIBAULT			s	250 - 51,000
ADDRESS	•		г,	1,001 - \$10,000
8219 BRUNACHE DOWNEY				•
BUSINESS ACTIVITY	ENTIRE LOAN	☐ YES	X c	over \$10,000
NONE SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Pro		X NO	INTEREST RATE	
	Aute Wediss)	NONE	12	MONE
11240 WOODRUFF AVE. DOWNEY			12	
NAME			, r-n	250 - \$ 1,000
KEN IMAIZUMI ADDRESS			·	230 - 3 1,000
8438 BOYNE DOWNEY .				1,001 - \$10,000
BUSINESS ACTIVITY	ENTIRE LOAN	☐ YES	X c	Over \$10,000
NONE	REPAID	X) NO	`	
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Pro	ovide Address)	_	INTEREST RATE	
9400 FIRESTONE BLVD. DOWNEY	L	NONE	10	NONE
NAME		77.4.		
	<u>.</u>		🗆 :	250 - \$1,000
ADDRESS	,		Π.	11,001 - \$10,000
BUSINESS ACTIVITY	ENTIRE LOAN REPAID	☐ YES	L '	Over \$10,000
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, 9)	ovide Address) _		INTEREST RAT	[
		NONE		MONE
NAME	*****			
				\$250 - \$1,000
ADDRESS				\$1,001 - \$10,000
BUSINESS ACTIVITY	ENTIRE LOAN	YES		Over \$10,000
	REPAID	□ NO	11.50 5.50 5.5	
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Pr	ovide Address)	NONE	INTEREST MAT	I NONE
If additional space is needed check box	k and attach an a	dditional \$	chedule E.	

NAME	JAMES	5.	SANTAGELO	,
		3.	SUNTINGERO	

Schedule H

(SEE INSTRUCTIONS ON PRECEDING PAGE)

Schedule H-1

Commission Income Receive	d By Brokers, Agents and Salespersons
NAME OF BUSINESS ENTITY	
CENTURY 21 SANTANGELO REALTY	
NAMES OF SOURCES OF INCOME	•
ME	
•	Schedule H-2
Income and L	Loans to Business Entities
NAME OF BUSINESS ENTITY	ADDRESS OF BUSINESS ENTITY
CENTURY 21 SANTANGELO REALTY	9400 FIRESTONE BLVD. DOWNEY
ACTIVITY OF BUSINESS ENTITY REAL ESTATE SALES	
NAMES OF SOURCES OF INCOME AND LOANS TO THE BUSINESS E	NTITY
	· ·
THE STATE OF THE S	
The state of the s	
	Schedule H-3
l= ====	
	From Rental Property
ou must disclose the name(s) of any renter(s) who m	nade rent payments, provided that your pro rata share of such recei
vas \$10,000 or more.	
DDRESS OF RENTAL PROPERTY	AT CITY
9400- 9430 FIRESTONE BLVD.	DOWNEY
AMES OF RENTERS	
DR. ANTHONY HANGGIE	
DR. WILLIAM ROGOWAY	
INITED STATES POST OFFICE	
	4.9
Maddle-dama la cara	id check the box and attach an additional Schedule H.